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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

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DELIVERY MODE

10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/621,152	Applicant(s) THOMAS, ALFRED	
	Examiner Frank M. Leiva	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,11-23,25,26 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,11-23,25,26 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 September 2007 has been entered.

Acknowledgements

2. The examiner acknowledges cancellation of claims 2, 8-10, 24, 27-29 and 31 in the applicant's submission filed 04 September 2007.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1 and 3-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Satoh et al. (US 2004/0062025 A1).**

5. **Regarding claim 1;** Satoh discloses a method for changing an appearance of a plurality of mechanical reels device displayed on a gaming machine, the method comprising: receiving a wager to play a base wagering game that utilizes the mechanical reels; detecting an indication to play a special feature game that utilizes the mechanical reels device; and in response to detecting the indication, changing an appearance of the mechanical reels prior to playing the special feature game to provide visual notification to a player that the special feature game is underway rather than the base wagering game and the changed appearance of the mechanical reels being maintained while the special

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feature game is played, ([0001, 0054], wherein the disclosure of a slot machine it is inherent to have reels and receiving of wagers and a base game with a bonus, since transition to bonus is mentioned, detecting the trigger event for the bonus is also inherent.

6. **Regarding claims 3 & 25;** Satoh discloses wherein the special feature game comprises a bonus game, ([0054]).

7. **Regarding claims 5 & 14;** Satoh discloses wherein changing the appearance comprises illuminating an illumination source of the gaming machine, ([0054]).

8. **Regarding claims 6 & 15;** Satoh discloses wherein the illumination source is selected from the group consisting of black-light, colored light emitting diodes, white light emitting diodes, organic light emitting diodes, incandescent bulbs, colored film in conjunction with incandescent bulbs and colored film in conjunction with light emitting diodes, ([0054]).

9. **Regarding claims 11 & 18;** Satoh discloses wherein the first and second indications are based on a selection by a player, ([0004-0005]), wherein the illumination is dependent on the amount of coins (paylines selected) wagered by the player.

10. **Regarding claims 12 & 19;** Satoh discloses wherein the indication is based on a triggering event occurring during base wagering game play (slot game), ([0004-0005]), wherein the illumination is triggered by the symbols stopping on the active paylines.

11. **Regarding claim 13;** Satoh discloses a method for changing an appearance of a plurality of mechanical reels on a gaming machine, the method comprising: receiving a wager to play a slot game that utilizes the plurality of mechanical reels; detecting a first indication to play a bonus game that utilizes the plurality of mechanical reels; in response to detecting the first indication, changing a color of the plurality of mechanical spinning reels prior to playing the bonus game and maintaining the changed color of the plurality of mechanical spinning reels during the playing of the bonus game; detecting a second indication to terminate play of the bonus game; and in response to detecting the second indication, restoring the color to the plurality of mechanical spinning reels, ([0054]), the indication of transition means that prior to the bonus stage starting the colors are changing, the implication of a transition means that the colors will remain during the bonus and change back, (another transition to normal).

12. **Regarding claim 20;** Satoh discloses a gaming machine comprising: a value input device; a displayed plurality of mechanical reels operable during both a base game and a special feature game; an illumination source adapted to illuminate the displayed mechanical reels device; and a controller operatively coupled to the value input device, the displayed mechanical reels and the illumination source, the controller comprising a processor and a memory coupled to the processor, the controller being programmed to allow a player to make a wager to play the base game, detect a first indication to play the special feature game, and in response to detecting the first indication, illuminate the illumination source to change an appearance of the displayed mechanical reels prior to playing the special feature game to provide visual notification to a player that the special feature game is underway rather than the base game and the changed appearance of the mechanical reels is maintained while the special feature game is played, (¶[0001-0004 and 0054]),), the indication of transition means that prior to the bonus stage starting the colors are changing, the implication of a transition means that the colors will remain during the bonus and change back, (another transition to normal).

13. **Regarding claim 23;** Satoh discloses wherein the change to the appearance of the displayed mechanical reels comprises a color change to the displayed mechanical reels, ¶[0054]).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Poole et al. (US 6,702,675 B2).

16. **Regarding claims 7 & 17;** Satoh discloses the limitations of claims 1 and 13 which claims 7 and 17 depend on, and Poole discloses in Fig. 4 and 5 of his invention, wherein changing the appearance comprises overlaying a video image upon the mechanical reels, wherein Poole is a video slot game, still it represents the image as if overlaid on the virtual reels. The examiner points to the simple nature of overlaying a picture in front of the reels after viewing Poole, it would not be an invention but a simple incorporation of Poole and would yield the predictable result.

17. Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Official Notice.

18. **Regarding claims 16 and 21;** Satoh discloses changing colors to mark the transition to a bonus feature, and or to mark any change in game state including the termination of the bonus feature, (¶¶0001 and 0054), yet Satoh fails to mention de-illumination as an indication where the examiner takes official notice to the fact that the color remaining by not illuminating an object is the same as a change of color, as simple as black being the absence of color yet a color in itself, so is the illumination with a colored light and de-illuminating it would constitute a change in color and thus disclose in Satoh though not explicitly is, in response to detecting the second indication, de-illuminate the illumination source to restore the appearance of the displayed mechanical reels.

19. Claims 4, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Perrie (US 6,481,713 B2).

20. **Regarding claim 30;** Satoh discloses a method for changing an appearance of a plurality of mechanical reels device displayed on a gaming machine, the method comprising: receiving a wager to play a base game; displaying a base game outcome with the mechanical reels device; detecting an indication to play a special feature; in response to detecting the indication, changing an appearance of the mechanical reels prior to

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playing the special feature game and maintaining the changed appearance of the mechanical reels while the special feature game is played device; and displaying a special feature game outcome with the mechanical reels device, ([0001-0004 and 0054]). Satoh fails to mention the odds difference between the base game and the feature game. Perrie discloses a game of dice that can be used for a bonus feature game (col. 22:35-40), and having different odds from the base game it would disclose a base game having a first mathematical model of player odds, and a special feature game having a second mathematical model of player odds, the second mathematical model being different from the first mathematical model. The motivation to combined is explicitly stated in the writings of Perrie and one of ordinary skill in the art could easily combined the teachings to add a substantially different game to a base game to make it more interesting to the player, adding this feature would yield predictable results.

21. **Regarding claims 4 & 26;** Satoh discloses wherein the special feature game comprises a secondary game, but Perrie (col. 17:64-65) states requiring an additional wager to continue to the next hand, and as stated above on claim 30 rejection these additional features represent predictable results.

Citation of Prior Art

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taylor (US 2004/0102238 A1), background color changes to indicate time limit of bonus round. Seelig et al (US 2004/0132522 A1), color changes to indicate different bonus multipliers. Glavich (US 2003/0195028 A1), constant indication of bonus round active. Suzuki (US 2003/0013511 A1), announcement of the bonus round.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

10/25/2007



Robert E Pezzuto

Supervisory Patent Examiner

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